Considering Community Planning and Community Rights in Northern Ireland

A Scoping Paper

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1. Introduction

Purpose

This scoping paper aims to outline the provenance, evolution and complexities of 'community planning' to provide a basis for its discussion in relationship to community rights in response to a tender invitation issued by Development Trusts NI (July 2020). In scoping out priorities for enhancing community rights, the paper critically reflects on community planning legislation, processes, plans and performance to frame debate on possible ways to enhance the rights of citizens and communities in shaping services in Northern Ireland. The paper discussions community planning (across Northern Ireland, Scotland and Ireland) in terms of public interest and social well-being, alongside openness and transparency, and trust and power relationships in decision-making.

In addressing these themes, the paper serves as a departure point for discussion. The goal of such discussion is to sharpen the understanding of the opportunities and challenges posed by, and to the development of, greater community rights in general, and to community planning in particular.

This is one of a suite of scoping papers, also exploring spatial planning and community asset transfer, which together will contribute to future discussions on advancing community rights in Northern Ireland. These separate, but complementary papers, provide the grounds for serious debate on expanding the remit responsibilities beyond local government for ensuring that community voice is further legitimised in local decision-making and democratic practices.

Setting the Context

Substantial change has occurred to public administration across the UK and Ireland in recent decades. In governance terms, local government reforms in both the Republic of Ireland and Northern Ireland have identified the need for vibrant, and stronger, local government systems – and have created a degree of convergence around public service design and delivery (Rafferty and Lloyd, 2014). In Scotland, there are been substantial focus, at both national and local government, on delivering change and improving outcomes in an increasingly complex landscape of public service reform.

At the heart of these reforms is the objective of re-positioning local government to become the democratically accountable leader for enhancing economic, social and environmental well-being outcomes that furthers sustainable development in the public interest. Accompanying these reforms have been much debate about the need to engage better, and more meaningfully, with local people, to involve them more effectively in decisions that affect their lives, to address the significant inequalities experienced by some communities and to experiment with new co-productive ways of co-designing and co-delivering solutions – that balances a reduction in resources with improving services – for achieving well-being outcomes.

Public service provision plays an important role in democratic practices for how society functions. The quality of, and access to, services can significantly impact a person's quality of life and impact social well-being of a place, at various scales, from the neighbourhood to regional/national scales. Most services are not aspatial (yet), meaning the physical location of, and access to, such services crucially influence the dynamics of a place and directly influence well-being outcomes of those who live there. Thus, community planning, as the process of managing public service provision, should be viewed as a complementary place-shaping instrument to the apparatus of spatial planning.

At the time of writing, the coronavirus pandemic is not only disputing public service provision and steering society into a dire economic crisis but is forcing local government – and other service providers – to innovate how services are delivered in the short-term, perhaps with long-term consequences. As such, the pandemic is setting in motion the foundations for a radically alternative future, which will have unknown implications across public, private and third sectors, and on society at large. Early and anecdotal evidence points towards a future where health and well-being will be paramount, both for citizens and the state, and a significant shift in emphasis to local places for reducing inequalities and preventing potential impacts of the impending climate crisis. It is undoubtable that such rapid change and restructuring will have profound effect on the kind of services our society with need in the future and how these will be funded, designed and delivered.

It is against this backdrop that any discussion on advancing community rights in Northern Ireland should consider the valuable role that citizens, as individuals, and communities, as collectives, can play in co-producing innovative solutions in what will be very challenging times ahead.

Provenance of Public Service Delivery

Community planning is associated with local service provision and delivery. It should be contextualised within a much broader process of public sector reform and a drive for continual improvement. The provenance stems from practices of developing and implementing efficiency gains in public service approaches, particularly associated with New Public Management since the 1990s, and over decades have produced pioneering tools that seek to improve standards of public service, e.g. Citizens' Charters. Accompanying this was a local government shift from being the sole deliverer of services to an 'enabling authority' (Pemberton and Peel, 2016). Such ideas have placed much focus on exploring ways to achieve greater transparency and accountability in service delivery and, with varying degrees, as a means of expanding democratic principles by empowering citizens. While superseded by Customer Service Excellence schemes, the rationale framing these instruments is 'government by contract', which Drewry (2005: 17) previously argued "go nowhere near to satisfying the criteria of mutuality, parity, reciprocity and legal enforceability that are minimal requirements for true contractual relationships" between service providers and citizens.

The changing landscape of government's role of public service delivery presents a paradox. As Alford and O'Flynn (2012: 5) argues "the more government surrenders the role of *producing* public services to external parties, the more its role expands in other respects." In addition to delivering remaining services, new roles consist of policy advice, regulation, partnership working, and interacting "with external entities to elicit their productive contributions" (Alford and O'Flynn, 2012: 5). And this can include local communities. Such new relationships are emerging across other parts of the UK and Ireland. Since 2000, with political devolution across the nations of the UK, there has been further proliferation and differentiation in legislation and policy guidance associated with public service delivery. National reviews in Scotland and Wales, i.e. the 2011 Christie Commission and 2014 Commission on Public Service Governance and Delivery (chaired by Paul Williams) respectively, identified significant conclusions that offer insight into any debate on the relationship between community planning and community rights. Some key findings and recommendations related to public service delivery and the role of communities are included below.

- The Welsh Commission recommended the need to redefine the public sector, arguing for:
  - *A clearer shared vision and sense of common purpose between government at all levels, citizens, and communities*
  - *A much greater focus on co-production with citizens and communities to identify and implement means of pursuing those outcomes*
  - *Consequently, a much stronger emphasis on enablement, empowerment and prevention in the design and delivery of public services*

- The Christie Commission in Scotland acknowledged the value of 'community rights' and roles, arguing for:
  - *Recognising that effective services must be designed with and for people and communities – not delivered 'top down' for administrative convenience*
  - *Maximising scarce resources by utilising all available resources from the public, private and third sectors, individuals, groups and communities*
  - *Working closely with individuals and communities to understand their needs, maximise talents and resources, support self-reliance, and build resilience*
  - *Making provision in the proposed Community Empowerment and Renewal Bill to embed community participation in the design and delivery of services*

The above recommendations indicate reformist desires – in Scotland and Wales, at least – to expand the role of communities in the design and delivery of public services. These reviews present a strong consistent message that further rights be bestowed on communities, given they play a crucial means of achieving the end result of producing appropriate services that enhance local well-being outcomes. Considering how to provide appropriate public services that are effective, efficient and equitable essentially requires an equal consideration of the *means* with the *ends*. While the ends are important for delivering meaningful change (impact) and advancing wellbeing outcomes in the public interest, the process and action for creating and implementing services that communities need raises fundamental questions around the role citizens and communities have in influencing public service design and delivery. Ultimately, an ability to

influence rests with having access to power that gives communities a degree of control, and set of rights, to balance the dominance of governmental and/or political power. The positioning and expressions of power in any future legislation, policy and operational design is central to the reframing of community rights in relation to community planning.

2. Literature Review

This literature review sets out current understanding, evidence and debate, in both academic and grey literature, about the relationship between community planning and the delivery of public interest. In doing so, this section incorporates secondary information on 'community planning' models in Scotland and Ireland and teases out the complexities around defining communities in relation to facilitating participative democracy for advancing community rights. This overview will form the framework for debating the challenges and opportunities specifically for community planning in the following sections.

Complexities with 'Community' and 'Community Planning'

When discussing community planning and community rights, an immediate dilemma emerges with the term 'community'. For Cohen (1985: 11), the term "'community' is one of those words bandied around in ordinary, everyday speech, apparently readily intelligible to speaker and listener", but is a word that remains contentious when imported into various settings. Hillery's (1955) research discovered 94 definitions of community, acknowledging four common characteristics across 69 of the definitions: *people, common ties, social interaction* and *place*. While appreciating the terms shifting and slippery nature, Hillary's findings begin to offer some clarity around what is a complex, yet extensively used, term in public policy discourse. In helping to further refine the term, Duane (1997) offers the following classification:

- communities of *place* - tied to physical space (locality) through geographical proximity; these are places in which people live, work and socialise, for example, streets, neighbourhoods, or housing developments.
- communities of *identity* - tied to each other through social characteristics but may transcend place, for example, children / young people, older people, faith groups, LGBT people (which can relate to the equality groupings listed in Section 75 of the Northern Ireland Act 1998).
- communities of *interest* - tied to each other through similar interests, which may include people that share or have similar interests, for example, in business, climate change, art, education, or people with a similar profession. Some may view this as a community of *practice*, while other argue for a some distinctive, and separate, interpretation.

The above 'community' classification provides a valuable framework for interpreting community planning – and for informing the debate surrounding community rights. What types of 'community' are involved in community planning and under consideration in the progression of community rights legislation in Northern Ireland?

The notion of 'community planning' has multiple interpretations and can take various forms, depending on context and application, which can "muddy the waters in terms of different parties' expectations" (Pemberton and Peel, 2016: 7). Much of the international academic and policy literature on community planning relates to localised forms of community engagement, more akin to notions of community-led planning, which creates opportunities for citizens to discuss and collective create solutions to address local issues, deficits and future change. While valid, the

expression 'community planning' in Northern Ireland, similar to Scotland, and to a lesser extent Wales, assumes a different connotation, one which positions itself about inter-organisational working for designing and delivering public services.

Community Planning in Northern Ireland

The legislative basis for community planning in Northern Ireland is specified in the [Local Government Act (Northern Ireland) 2014](). The legislative articulation of community planning is predicated on partnership working to coordinate initiatives and rationalise/simplify a cluttered governance landscape for delivering public services that enhance social, economic and environmental well-being outcomes. The legislation specifically refers to councils, working with 'community planning partners', in Community Planning Partnerships (CCPs) to collaboratively agree actions and functions related to the planning, provision and improvement of public services.

Describing, and defining, the process of planning, providing and improving public services as 'community planning' can be considered a misnomer by many. Having 'community' in the title creates complexities and misunderstandings. In particular, how community planning is articulated in legislation and operationalised in practice positions the more traditional, and widespread, notion of communities (of place) as consultees in the process. Duane's community classifications above is a useful reference point here. While community planning has perceived and operational limitations in how it meaningfully engages with communities of place, the process appropriately describes communities of interest (or practice) working to consider the use of resources in service delivery. Nonetheless, community planning processes require some involvement of communities of place and of identity. [Section 73 in Part 10 of the Local Government (Northern Ireland) Act 2014]() identifies the statutory requirement for community involvement, stating that CPPs must seek the participation of, and encourage, persons in community planning broadly, and specifically in the production and review of the plan. However, advancements with community planning models elsewhere expose the limitations of its conceptualisation and operationalisation in Northern Ireland.

Community Planning in Scotland

The [Local Government in Scotland Act 2003]() formalised the statutory basis for community planning to secure 'best value' in local government service provision, after the experience of Social Inclusion Partnerships and five pathfinder projects in the late 1990s. While the core principles are similar to what has been introduced to Northern Ireland since commencement in 2015, a point of note – of divergence – in Scotland was the wider portfolio of services under local government responsibility.

Community planning in Scotland has subsequently been revised, with various reviews leading to additional instruments and developments, e.g. [the Concordat]() in 2007 and a [Statement of Ambition]() in 2012, that continuously restated the importance of community planning in advancing public sector reform. These additions positioned community planning at the heart of an outcomes-based approach and as the core governance instrument for advancing well-being outcomes, aligning with Scottish Government's [National Performance Framework]().

More recently, the [Community Empowerment (Scotland) Act 2015](#)[1] has sought to strengthen community voice and rights in decisions about public services and enabling communities to own and manage land and buildings. The Act and the policy environment that surrounds it presents a range of opportunities for communities around participation and planning, from initiating dialogue with public bodies on their own terms to the ownership, or use, of local assets. Community Planning Partnerships will have to produce *Local Outcomes Improvement Plans* (LOIPs), replacing traditional community plans that cover an entire council distinct, and an additional requirement to prepare *locality plans* for those areas where communities experience particular disadvantage and the poorest outcomes.

In the spirit of advancing public interest and empowerment, Part 3 of the Scottish Act introduces *[Participation Requests](#)* as a means by which community groups/bodies can request to have greater involvement in, and influence over, decisions and services that affect communities. Community groups making such requests are referred to as 'community participation bodies' and such participation in described as an 'outcome improvement process'. The Act sets out [key definitions](#) to clearly establish the criteria for the community body so that it can qualify as a community participation body. The remit of these new structures is to (Scottish Government, 2017: 8-9):

- To **help people start a dialogue** about something that matters to their community, through highlighting needs, issues or opportunities for improvement.
- To help people have their voice heard in policy and service development, through **contributing to decision-making processes**.
- To help people to participate in the design, delivery, monitoring or review of service provision, through contributing to **service change** or improvement.
- To help people challenge decisions and **seek support for alternatives** which improve outcomes.

This legislative instrument is premised on the notion that improved community participation gives communities more influence over the services and decisions that affect their lives. Such advancements reflect a particular Scottish impetus for progressing participatory democracy. Elliot, *et al.* (2016: 303) argue that the particular Scottish approach to public service delivery (community planning) is "underpinned by three key principles: an assets-based approach; co-production of services; and an improvement philosophy", alongside growing arguments for shifting from a public service system that is 'top down' and unresponsive to the needs of individuals and communities (Christie Commission, 2011).

Scotland have expanded further community rights in relation to land reform, focusing on achieving greater diversification of ownership and ensuring increased community involvement in the way land is owned and used for advancing the well-being of society (in the public interest). The [Land Reform Act 2016](#) is best positioned in conjunction with the Community Empowerment

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[1] Summary of the Act is available at: https://www.gov.scot/publications/community-empowerment-scotland-act-summary/

Act that cumulatively expand the rights of communities and should be viewed as an ongoing maturation of legislative and policy instruments that further sustainable development in relation to services, assets and, in the case of the Land Reform Act, the transfer of land in the public interest that should result in significant benefit to communities. Calum Macleod, from Community Land Scotland, articulates the logic framing land reform, stating "the whole land reform agenda needs to be framed very explicitly around public interest arguments, and land being owned and used for the common good."[2]

The legislative and governance transformations in Scotland arguably reflect progressive approaches in advancing community empowerment that shifts greater influence, control and responsibility away from existing traditional centres of power and into the hands of communities.

'Community Planning' in Ireland

The Government of Ireland's *'Putting People First' - Action Programme for Effective Local Government,* launched by the Department of the Environment, Community and Local Government, in October 2012, represented a significant policy change in relation to local government. The vision captured in this new programme seeks to place local government as (DECLG, 2012: 21):

> *"the main vehicle of governance and public service at local level – leading economic, social and community development, delivering efficient and good value services, and representing citizens and local communities effectively and accountably."*

At the heart of this reform was to give local government a more central coordinating role in local economic and community development. Allied to this is the outcome of achieving greater efficiency and effectiveness in local and community development programming, and improving the delivery of services for citizens and communities.

The Local Government Reform Act (2014) provided the legislative basis for modernising local government by enhancing the electoral mandate, through a restructured committee system, consisting of Strategic Policy Committees (SPCs), Corporate Policy Groups (CPGs) and the introduction of a new committee provision, known as the Local Community Development Committee (LCDC). These new arrangements, coupled with a stronger role for local authorities in enterprise support and economic development, means that local and community development activities are the responsibility of the LCDC, while the economic aspects are integrated within the SPC for economic development and enterprise (as stipulated by the insertion in section 41(a) of the Local Government Reform Act 2014).

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[2] Commentary contained in a Guardian article from March 2019 – see: https://www.theguardian.com/uk-news/2019/mar/20/report-calls-for-reform-of-unhealthy-land-ownership-in-scotland

The role of the CPG is very much strategic in nature, linking and coordinating the work of the different SPCs in council and provides a forum for discussing policy issues, at the strategic level, which transcend the remit of individual SPCs and municipal districts to develop synergies across a diverse range of local authority operations and to nurture greater policy alignment. The SPCs are tasked with assisting councils with their formulation, development and review of policy. They are multi-thematic in nature, given the range of statutory responsibilities, functions and services of a local authority. The SPC system is intended to bring together elected members and sectoral representatives (working in social, economic, cultural and environmental bodies) to develop and review policies, and establish priorities for particular services. A major advantage of the SPCs composition is the fact that it represents local sectoral interests, including the trade union, farming, environmental and community/voluntary sectors, along with the business community, which will constitute at least one third of the membership of SPCs. Being strategic in nature, SPCs are required to have regard to Regional Spatial and Economic Strategies proposed by the Regional Assembly.

The establishment of Local Community Development Committees (LCDCs) in local councils in Ireland represent a significant departure from what existed before. The remit of LCDCs is to develop, coordinate and implement a coherent and integrated approach to local and community development, promoting the interests of local communities (public interest), similar in a way to community planning in Northern Ireland. The composition of LCDCs will consist of local authority members and officials, state agency representatives and stakeholders actively working with local development, community development and economic, cultural and environmental organisations. The LCDC is statutorily required to prepare the community elements of a 6-year *Local Economic and Community Plan*, and to implement, or arrange for the implementation of, the community elements of the Plan. A specific role of LCDCs is to drive meaningful citizen and community engagement in the scoping, planning, delivery and evaluation of local and community development programmes.

The cross-working between a council's economic SPC and the LCDC produces an integrated Local Economic and Community Plan (LECP) comprising of two elements: (1) an economic element to be prepared by the local authority and (2) a community element prepared by the LCDC. An innovation accompanying the 'community planning' model in Ireland was the creation of [Public Participation Networks (PPNs)](), which enables the public to take an active formal role in relevant policy making and oversight committees of local authorities. These structures provide a network for sharing information and for giving communities of interest, within a community of place, a voice. Representatives on a PPN tend to be from the following sectors: local voluntary and community; social inclusion, and; environment. In addition to networking and training opportunities, a key remit of the PPN is to provide opportunities to influence policy and decision making by electing representatives to council committees. This network is supported by a National PPN Advisory Group, established in 2016, for monitoring and evaluating the operations of PPNs, and is now chaired by the Department of Rural Community Development who provide secretariat services to the Group.

Place-based Participatory Governance
The models above do represent, with various degrees, some progress towards more place-based governance, which tries to better consider policy developments in relation to place. The progression of community planning models, and the advancement of localism and empowerment experiments, can be articulated as ways for offering further participatory mechanisms to contemporary democracies. Moreover, they are expressions of more nuanced place-based approaches – as ways of better appreciating the reciprocal relationship between people and place – that are designed and implemented to elicit and aggregate local knowledge and preferences, working together around local asset and people centred approaches, through stronger participatory governance practices.

Recent decades have witnessed a rise in place-based thinking and working. This is evidenced by: (1) the emergence of 'localism' (in England) in experimenting with devolving powers to lower levels beyond local government; (2) the growth of empowerment and asset transfer (in Scotland) with a greater focus on locality-based approaches and expansion of community rights; (3) growing arguments for adopting a more 'total place' approach that understands the context communities operate in and how to change the behaviours of people and professionals working in the 'whole systems' that influence place. Place-based working can be considered as a (Iriss, 2015, emphasis added):

> *"person-centred, **bottom-up approach** used to meet the unique needs of people in **one given location** by working together to use the best available resources and collaborate to gain local knowledge and insight. By **working collaboratively** with the people who live and work locally, it aims to **build a picture of the system from a local perspective**, taking an **asset-based approach** that seeks to highlight the strengths, capacity and knowledge of all those involved."*

Arguably, public services can no longer be provided unilaterally by one organisation or (local or central) government department. Working with 'external' providers is commonplace these days – and provides a strong argument for giving communities more rights to act as an 'external' provider. Achieving effective and positive policy outcomes associated with service delivery, which are in the public interest and enhance social well-being, is a shared process. It requires a 'whole systems' approach, but such "approaches in public service delivery can prove challenging due to siloed structures and narrow remits" (OECD, 2017: 112). Local authorities and service providers are being challenged to rethink traditional service models and bring co-production into mainstream practice, which is more than just periodic opportunities of engagement. The recent reforms to public service delivery across Scotland, Ireland and Northern Ireland indicate advancement in forms of participatory governance, but with varying degrees of any proper rebalancing of power or increasing of community rights.

3. Weakness and Challenges

This section will review the performance of the current community planning system in Northern Ireland, against learning from Scotland and Ireland, in terms of delivering the public interest and related objectives. It will draw not only on publicly available data and research but also on the authors engagement with local partitioners and other grey literature, including unpublished research dissertations at Ulster University. This will provide insights into the relative importance placed on issues of concern and seek to characterise the 'gap' in community rights in community planning in Northern Ireland.

Complexity with 'Community'

A central challenge with community planning, and arguably the development of community rights, is defining what constitutes 'community'. As noted above, community planning is an appropriate description of the legislative instrument when framing it in relation to communities of interest, or practice, working together to plan and delivery public services. However, the default understanding of the term 'community' tends to be communities of place or identity (appreciating that these can overlap). The effect of this default interpretation when operationalising community planning produces misunderstanding and, arguably, frustration by many outside of government or public policy circles. This experience presents challenges for operationalising future community rights in Northern Ireland.

Case study research by Elliott, *et al.* (2019) in a council ward in East Scotland, between 2011-2017, reveals some of the complexities with the conceptions of 'community' in a community planning context which seeks to advance empowerment. The research concluded that while some communities do have an appetite for greater empowerment, with existing groups and activists ready to support such efforts, this was certainly not the case for other communities. The "lack of apparent enthusiasm for community empowerment seemed to be linked to a long-standing lack of engagement or tradition of community empowerment. In fact, there was, for some, a lack of any conceivable sense of community. In part, this was due to communities being increasingly fragmented and transient" (Elliott, *et al.* 2019: 313). This represents challenges for expanding community rights in Northern Ireland, given the fragmented nature of communities, the spatial configuration of communities of identity overlapping with communities of place. The experience of community engagement in Northern Ireland to date, which lacks a tradition of community empowerment, is problematic for laying the foundations of greater community rights. Existing assumptions and practices associated with community engagement fail to take into consideration unequal differences in power and resources between various communities of place, identity and interest.

Community Planning Structures

The experience in Northern Ireland, to date, reveals little experimentation of directly involving community representation within the governance structures of community planning. Mid and East Antrim Borough Council has been unique in creating a *Community Panel* alongside its

Community Planning Strategic Alliance (Community Planning Partnership) and a *Community Planning Operational Board*. The Community Panel intended to act as the 'community voice' in the community planning process, drawing on representation from different council geographies and Section 75 categories. However, practitioner reflections indicate challenges with getting the correct balance of representation and with establishing a clear remit for the role of such a panel. This raises questions in relation to rights and power. The panel was created to be a forum for expressing the community voice, but issues emerged as to the extent to which community voices could challenge decisions agreed within the Strategic Alliance partnership.

Engagement v. Empowerment

Regardless of recent reforms, the structural nature of community planning – and spatial planning, and the wider governance architecture of traditional democracies – tend to have an over-reliance on state-led opportunities for participation. This raises questions about "the extent to which the experience and expertise of communities affected by public policies has meaningful influence" (Marshall, *et al.*, 2014: 66), the ability of communities to hold governments to account, and the limitations of state-led public decision-making processes to provide any meaningful shift in the distribution of power and influence to communities.

As noted above, community planning in Northern Ireland has a statutory requirement for community involvement. However, the articulation of involvement lacks detail, direction and operational guidance. The text around involvement in Section 73 in Part 10 of the Local Government (Northern Ireland) Act 2014 is qualified by seeking persons 'to express their views, and [to] take those views into account', which arguably does not articulate a meaningful role for persons resident in the district (communities of place). This appears at odds with later descriptions of community planning and the role of communities of place. A cursory read of websites describing community planning in Northern Ireland, e.g. Department for Communities (DfC), and many others, reveals an alternative role of wider community input, beyond communities of interest or practice, hinting at an opportunity for communities of place or identity at the table with CPPs – see extract from DfC website below:

> *"Community Planning Partnerships have been established in each district comprising the council, statutory bodies, agencies and the wider community, including the community and voluntary sector. The partners will develop and implement a shared plan for promoting the well-being of an area, improving community cohesion and the quality of life for all citizens."*

A review of community representation in community planning to date, through an analysis of council Statements of Progress, engagement with community planning officers and wider conversations with a broad range of stakeholders, reveals limited active participation of communities of place or identity in the formal structures of community planning. Local research concluded that empowerment is poorly understood in the operations of community planning in Northern Ireland – and is not an outcome desired by all involved in the process. Furthermore, the research revealed concerning uses of co-design and co-production language to describe

engagement processes, which were no more than public consultation, and which did not exhibit the central tenets of co-production. In effect, practitioners are conflating engagement and co-production as one and the same.[3]

While it has to be acknowledged, and commenced, that councils have experimented with more and much richer forms of community engagement in the community planning process, the role of communities remain more of a consultee than an active stakeholder with powers to direct, or co-produce, the outcomes of community planning. Therefore, a weakness is a community's ability to have actual power to challenge decision-making. While there is a perceived sense of power given to some communities, in presenting opportunities to influence decisions, through state-led facilitated engagement opportunities, there is a power imbalance that bestows actual power to government and service providers.

Assessing and Supporting Community Engagement
Guidance on how communities engage in community planning process still remains unclear in Northern Ireland. Plus, any evaluation of community engagement, particularly in demonstrating to what extent community input into the process leads to change is limited. The current procedural arrangements of operationalising community planning lack an adequate assessment of the quality of community engagement.[4] This is in stark contrast to Scotland, which has a robust set of evaluation exercises, e.g. periodic reviews of community planning undertaken by Audit Scotland, and more sophisticated framework in terms supporting/guiding engagement practices, e.g. the National Standards of Community Engagement. In Ireland, the development of Public Participation Networks (PPNs) provide robust engagement structures in each local authority, with a dedicated database for managing membership and facilitating targeted communications. These supporting mechanisms are lacking in Northern Ireland. In Ireland, the PPNs are designed to achieve more openness and inclusivity in policy-making and to enhance civic capacity for producing better decision-making (Department of Rural and Community Development, 2016). The Department's commissioned reviews of PPNs in Ireland, across 2016, 2017 and 2018, captures a high proportion of community and voluntary representation on local authority boards and committees. PPN representatives have been active in co-producing plans and strategies for the boards/committees in a variety of ways, including active participation in discussions and decisions, membership of subgroups and task groups, creating links between agencies and the community.

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[3] Supported by unpublished research conducted by Taylor, a MSc Community Planning and Governance student at Ulster University, who submitted a research project exploring awareness of co-production in community planning in Northern Ireland during academic year 2017-2018.
[4] Supported by unpublished research conducted by Clarke, a MSc Community Planning and Governance student at Ulster University, who submitted a research project on evaluating community engagement in community planning across Northern Ireland councils during academic year 2016-2017.

Capacity Problems and Perceptions

As has been recognised in several other countries around the world, the capacity of citizens' and communities' input into decision-making is the only way of sustaining viable and high-quality public services. Northern Ireland is no different. No public sector system can continue to meet growing levels of demand for high-cost services from declining resources; the emphasis has to shift to reducing demand for such services through prevention and, were demand remains, co-production offers better outcomes for all parties. Even if those pressures did not exist, there would be a strong case in principle for making this kind of change and reconnecting government and public services more intimately with those that they serve. Ageing populations and shrinking budgets make that case absolutely unarguable.

A significant 'gap' in the community planning model – and wider governance architecture – in Northern Ireland is appreciating that people are their own assets, and a role of community planning is to catalyse, facilitate or accompany the community in acquiring power to challenge or change decision-making. While some communities, or citizens, may have perceived power, using existing procedural mechanisms to try to shape policy, influence decisions and/or challenge the lawfulness of a decision/action seek, the system currently lacks the capacity, or willingness, to entrust actual power to communities.

What is apparent is that any form of community empowerment requires a degree of governance capacity at the community level. Within Scotland there are a number of bodies who contribute to building capacity (Elliot, *et al.* 2019), but which are not replicated in the Northern Ireland context. Progressing with community rights (to challenge or buy) requires a community to accept a legal and contractual obligation to deliver a service or manage an asset. This requires significant community investment in time and resources to deliver a service, including designing a governance structure, skills development and finance sourcing/creation. There may be a reluctance of local government to take seriously a community's capacity to successfully deliver. Similarly, a community may perceive themselves as ill-equipped for such operations. Capability building is required across all parties.

4. Strengths and Opportunities

This section will develop on the above discussions to identify and evaluate opportunities in community planning for promoting further trust, transparency, inclusiveness and co-production in relation to community rights.

Continuing the Journey

Public services provide an important interface between people/communities and public/state institutions. Therefore, community planning plays a pivotal role in constructing strong working relationships between communities and institutions. It is commendable that greater emphasis is now placed on improving public services to meet community needs and deliver well-being outcomes with the introduction of community planning in Northern Ireland. So, there is the potential to build on this momentum to explore new ways of achieving greater integration, collaboration and transparency across stakeholders in co-producing public services. The wider public administrative context, established by other parts of the Local Government (Northern Ireland) Act 2014, supports this trajectory in placing greater emphasis on performance management and aspirations for continual improvement.

Community Resilience Post-Pandemic

It would be remiss of the scoping paper not to consider the recent coronavirus pandemic. While the pandemic forced many people to evaluate their immediate surroundings, due to restricted movements, it also made people more aware of the current role of government in their lives. COVID-19 can be considered a new (unpredicted) driver for further public sector reform that supports the argument for expanding community rights. This argument is based on the following. Firstly, the pandemic tested community planning structures, augmenting the normal working relationships between council – and their community planning partners – and local community groups. Many rapid interventions relied on community volunteers, supported by council and other governments departments, to deliver food and collect prescriptions, for example[5]. This demonstrates the valuable role of citizens and communities in understanding their local places and playing an active role in responding to (changing) community needs. In Lisburn and Castlereagh City Council, the pandemic accelerated the creation of District Electoral Area (DEA) structures to better connect the Council to citizens in delivering services that responded to community needs. Early evidence indicates that this recent experience has rapidly strengthened relationships, improved communication channels and nurtured a spirit of shared responsibility between the council, community planning partners, community organisations and communities in providing necessary support and essential services. Secondly, the financial future of councils will be extremely challenging with expected diminishing resources. With this in mind, there is a positive that has been emerging during the pandemic: the further nurturing of new relationships and growth of social capital. This provides the foundation for building even stronger working relationships and embedding further trust between communities and council.

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[5] Reflections from NILGA presented at the Carnegie UK Trust's Embedding Wellbeing in Northern Ireland peer-to-peer learning webinar, 10 September 2020.

Legislation and Operation

The lack of very prescriptive structural arrangements governing the operation of community planning in Northern Ireland can be considered a strength as it has enabled greater experimentation of sub-local government governance structures to complement more strategic partnership structures (Community Planning Partnerships). Legislative framing of community planning in the Local Government (Northern Ireland) Act 2014 allows greater flexibility for its structural design and deployment across local government. This is in contrast to the stringent structure and regulatory nature of spatial planning. Many councils in Northern Ireland are experimenting with more 'place-based' governance models, using smaller geographical units, e.g. DEAs, for considering public service design and delivery. Furthermore, the flexibility associated with community planning structures offers further extension of community rights into the planning, provision and improvement of public services. Notwithstanding criticisms above, some expressions of this can be illustrated in the experimentation with co-production locally, particularly in relation to some health-related public services, as compared to other service areas. This foundational work presents future opportunities to extend greater participation, and ultimately power, to communities with supporting legislation specifically on community rights.

Opportunities for rights progression

Participatory Budgeting (PB) has emerged recently Northern Ireland, often aligned with community planning practices, which can be viewed as a 'democratic innovation' that involves giving members of the public a direct say over how a portion of a public budget is spent. A key message from an evaluation impact report, in 2018, of PB was that it has helped to build the capacity, confidence and competencies of both individuals and communities, but which acknowledged that the practice is limited by weak legislation and a lack of political commitment in local and central government (Grounds and Murtagh, 2018). The application of PB has grown in use in Scotland too. An example of participatory budgeting in Glasgow City Council, during 2018, demonstrates a willingness to delegating powers to communities to decide how to spend the council's budget. The council agreed that at least one per cent of budgets should be subject to participatory budgeting, focusing on four geographical areas (communities of place) but which spread the decision-making rights of agreeing spend allocation across four communities of interests (child poverty; work and empowerment; black and minority groups; young people). The process involved Glasgow City Council, citizens, community organisations including Glasgow Disability Alliance, other communities of interest. While such examples are beginning to demonstrate how community rights are assisting with targeting resources that are in the public interest and addressing well-being concern, a 2018 report[6] highlights the need to reflect on how participatory panels in such processes are representative and reflect diversity of opinions, alongside issues of accountability and liability for the decisions reached.

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[6] Further information available at: https://pbscotland.scot/blog/2018/10/10/glasgows-pb-journey-detailed-in-new-report

5. Conclusions and Recommendations

The following sections tries to pull together salient points from the above sections to draw conclusions that help to frame recommendations that should inform the ongoing improvement of community planning and discussion of future community rights legislation, in Northern Ireland.

While there are criticisms of the rationale and vigour of the differing localism agendas evolving in Scotland, Ireland and England, the respective legislation in each context are attempts to decentralise some powers from local government to enable a form of empowerment that gives community stronger rights in the design and delivery of public services and in asset management.

The state of play of community planning in Northern Ireland, emerging from the discussion above, reveals opportunities for enhancing both community voice and rights in influencing decisions that shape the planning, design and delivery of public services. The experiences from both Scotland and Ireland illustrate expansion opportunities. In effect, there is significant scope to expand – and more meaningfully apply – co-production practices that genuinely share power in the planning and running of services, as well as to acquisition and management of assets. As noted by Development Trust NI, there remains untapped potential of community planning in Northern Ireland, particularly around commissioning, procurement, and land and asset disposal. Rights have to be asserted and structures should be negotiated, if community empowerment is to develop and mature. The growing focus on place-based approaches, the push for further devolution beyond local government, provide an opportunity to reset the relationship between local government and communities – one where local government (and central government) listens more to the lessons that are emerging from different approaches to local public service integration and provision. As a result, the understanding of democracy, citizenship, and collective action is never static. Shifts that produce reciprocal relations and balance power between people and institutions are fundamental to expanding community rights in Northern Ireland.

The transformation of the systems that structure community planning, and frame community rights, depend on temporal and contextual factors, and arguably Northern Ireland is at a juncture to consider further reforms. As noted by the OECD (2017), system changes are often triggered by a crisis – and the current pandemic presents one of the biggest, and most far-reaching, challenges of a generation. There is a sense of urgency to reshape the relationship between the state and citizen to ensure public services are both sustainable in the immediate future and more resilient in the longer term. The complexities over the coming years, in responding to the long-term impact of COVID and the impending climate emergency, demand co-productive decision-making arenas and place-based solutions that combines shared resources and accountability between state and non-state stakeholders. The pandemic has created an era of uncertainty that will force local government, and many sectors, to build more flexibility and adaptability into how they deliver services to citizens and continue to improve well-being outcomes. Arguably, the pandemic presents a need to accelerate the introduction of legislation to empower communities, similar to Scotland's Empowerment Act, to build on the new (strengthened) relationships emerging between councils and communities.

The following recommendations are proposed that could be considered in any future debate on progressing with legislation, and supporting structures, to introduce community rights in Northern Ireland:

- **Defining a 'community' with rights**
  The experience in Northern Ireland, as noted above, and learning from Scotland, suggests a need for clear articulation of what constitutes a 'community' when considering any expansion of rights. Provision of a definition of 'community', setting out clear criteria, when considering rights is necessary to set clear workable parameters in deploying any expanded rights to a sub-local government level. A more nuanced, yet shared, understanding of what constitutes a 'community' should provide greater clarity on what kind of communities can acquire greater rights – and therefore, influence and power. Having clearer delineations should help will redressing the (earlier) challenges noted about the conceptualisation of community in community planning that, arguably, undermines its perception and facilitates scepticism by those outside local government.

- **Capability Building**
  To date, the evidence demonstrates that community planning is about communities of interest (or practice) working together, which while important, is rather limiting in its ability to meaningfully engage communities of place and identity, and further communities of interest in decision-making. Some citizens do not live in localities with properly constituted community bodies, or access to the right mix of skilled, influential support, to participate in decision-making processes. While not perfect in other – if any – jurisdiction, the learning from Scotland and Ireland points toward attempts to create a support culture and set of structural arrangements that addresses community capability issues that places value on the community as an agent of change, seeking to nurture community input, influence and empowerment. Future legislation, guidance and supporting infrastructure needs to appreciate that improving outcomes locally needs to reflect the policy principles of subsidiarity and harness the potential of communities to play their co-productive role.

- **Power and Influence**
  Effective processes for advancing community rights should consider effective governance processes that shift greater controls to communities to not only rebuild trust between parties, but for promoting place-based and sustainable solutions. Not addressing the skewed power imbalances between government and communities will perpetuate the underlying causes of the problems in the planning, provision and improvement of public services. Decades of evidence demonstrates the inability of the state (unilaterally) to adequately understand, design and solve complex public policy issues. More recent attempts to experiment with more collaborative models of partnership working, bringing together the state, the market and civil society, e.g. Community Planning, reveals a willing of government to share (some) responsibility. However, sharing responsibility does not equate to the equal sharing of power and influence, and ultimately, the ability to

determine the outcome of how public services can, or ought, to be delivered in places from those living in those locations. Future legislation needs to carefully consider the empowerment of the powerless, and in doing so, ensuring that communities (whether of place, identity or interest) are equal players in the decision-making structures and processes of making change. This should include participation requests, the right to challenge and the right to buy. A more equitable distribution of influence and power offers the prospect to experiment with the building of more effective working relationships between public bodies, local partners and local communities, producing reciprocal trust and openness to co-produce solutions to pressing social, economic and environmental challenges.

- **Monitoring and Evaluation**
  Any legislation on community rights should outline clear, and strong, monitoring evaluative mechanisms to manage the acquisition and progression of rights, track engagement/ownership and performance, and capture good practice in any new instruments for advancing well-being outcomes in the public interest. The current procedural arrangements of operationalising community planning lack an adequate assessment of the quality of community engagement that would provide a baseline to reflect on engagement practices and inform the debate on the future role of communities in community planning. Monitoring and evaluation processes appear much stronger in Scotland and Ireland, with supporting organisations, networks and universities conducting reviews and independent research that offers valuable information and data to inform and refine future practice.

- **Accountability and Transparency**
  Community organisations, or bodies, that will be the likely basis for enacting greater community rights, should be based on a recognition – and legal articulation – that these entities must be representative of legitimate concerns that relate to the broader public interest. Any new legislation has to appreciate the nuances of the Northern Ireland context, and ensure the introduction of community rights does not conflict with, or be counterproductive to, the ambitions set out in other social policy fields, e.g. building a shared society/space/future. There should be a requirement on community bodies/organisations pursuing community rights instruments that a strong evidence base is collected to support any right to challenge, bid or buy, which is underpinned by engagement with the wider community and with other community organisations or networks. Furthermore, community and public bodies should provide regular information in the public domain that is understandable, jargon-free and accessible to nurture greater openness of any new processes and achieve total transparency.

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